

REMARKS

Applicants appreciate the indication that claims 3-5, 17-23, 32, 33 and 35-43 are allowed, as well as the indication that claims 15 and 16 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. By the present amendment, applicants rewrite claim 15 in independent form, including all of the features of its base claim. Claim 16 remains dependent upon this claim 15 which has been amended into independent form. Applicants accordingly understand that each of claims 3-5, 15-23, 32, 33 and 35-43 are in allowable form.

Claims 1, 2, 6-13, 24-31 and 34 are rejected under 35 U.S.C. §102(b) from Yang U.S. Patent No. 4,832,975. The Office indicates that Yang discloses esterification and that esterification and interesterification are equivalent reactions. Applicants respectfully observe that Yang does not disclose or teach interesterification or interesterified fat, as these terms are understood in the art. Applicants submit publications to illustrate that the concept of interesterification is a term that is recognized in the art as being distinct from what is understood in the art as esterification.

More specifically, applicants enclose copies from three

publications which are identified on the Supplemental Information Disclosure Statement filed contemporaneously with the present Amendment.

Bailey's Industrial Oil and Fat Products indicates that esterification and interesterification follow different respective reaction schemes. Esterification essentially reacts a fatty acid and a glycerol or alcohol in order to form a specific ester and liberate water. Food Oils and Fats, Lawson, also distinguishes between esterification and interesterification, indicating that interesterification is:

...a migration and interchange of fatty acid radicals from one fat to another or from one point to another. This is done to develop new fat molecules that have specific properties.  
(Lawson, page 23.)

Principles of Food Chemistry, deMan, describes interesterification in a similar manner as changing the position of fatty acid radicals on the glycerides in a fat. This ester interchange or interesterification is illustrated by the equation on page 77 of deMan.

Such ester interchanged fats are not disclosed in Yang. While applicants continue to observe that the Yang procedure is complicated, more importantly applicants observe that Yang does not teach interesterification or interesterified fats. Instead,

Yang discloses "tailored triglycerides" made by a synthesis process including medium-chain triglycerides and long-chain triglycerides. These tailored triglycerides are not interesterified products.

Applicants' products are made by interesterification, described in paragraph [009] of applicant's specification; namely, interesterification interchanges individual positions of fatty acids on the glycerol moiety. As explained further in paragraph [0028], interesterification is a reaction to or toward complete randomization, which would equate to a degree of interesterification of 100% of the fatty acyl chains.

No where does Yang suggest or disclose fats that are interesterified fats where moieties are interchanged. Instead, Yang refers to "specially synthesized triglycerides of the present invention" at lines 38-39 of column 3. These substantial differences between Yong and the claims invention had been discussed more fully in applicants' previous Amendment.

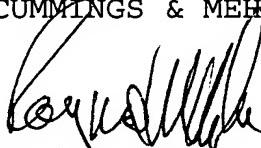
From the above, it is evident that the specially synthesized triglyceride of Yang is not the interesterified structured lipid claimed by applicants. By virtue of this very significant difference between the triglycerides disclosed and taught by Yang and applicants' claimed interesterified

structured lipids, reconsideration and withdrawal of the §102 rejection from Yang are respectfully requested with respect to each of claims 1, 2, 6-13, 24-31 and 34.

Applicants respectfully believe that each of claims 1-13 and 15-43 are in condition for allowance.

Respectfully submitted,

COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.

  
Raymond M. Mehler  
Registration No. 26,306

RMM:kmc  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

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